

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

SAMUEL DWAYNE DAVIS,

Petitioner,

v.

3:05-mc-32

JACK MORGAN, Warden,

Respondent.

**ORDER**

Petitioner's application to proceed *in forma pauperis* is **GRANTED**. The Clerk is hereby DIRECTED to file this petition for the writ of habeas corpus, 28 U.S.C. § 2254, as of the date the petition was received, without prepayment of costs and fees or security therefor, and to serve copies of the petition and this Order upon the respondent and the Attorney General for The State of Tennessee.

Since it does not plainly appear from the face of the petition that it should be summarily dismissed, the respondent is hereby **ORDERED** to answer or otherwise respond to the petition within thirty (30) days from the date of this Order. Rule 4 of the RULES GOVERNING SECTION 2254 CASES IN THE UNITED STATES DISTRICT COURTS. The

respondent should specifically address whether the petition was timely filed and whether the petitioner has exhausted his available state court remedies. 28 U.S.C. §§ 2244(d), 2254(b).

**E N T E R:**

s/ Thomas W. Phillips  
United States District Judge